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ABA Military Law Section Questionnaire

In order to determine the feasibility of establishing a Military Law Section in the American Bar Association (ABA), active duty and reserve judge advocates, in addition to other interested attorneys, are requested to complete the attached questionnaire and return it not later than 1 February 1980 to the American Bar Association, ATTN: Ms. Connie Berg, 1155 60th Street, Chicago, IL 60637.

Completion and return of the questionnaire is voluntary and anonymous. Responses will be provided to The Judge Advocate General for use in determining whether establishment of a military law section in the ABA is feasible.

Neither the following background material about the ABA nor the questionnaire should be considered to be an official endorsement of the ABA. Questions about the questionnaire may be addressed to Major Ted B. Borek, Administrative Law Division, OTJAG, Pentagon, Washington, DC 20310 (AV 227-1371).

The American Bar Association is composed of Standing and Special Committees, whose members and chairpersons are appointed by the President of the ABA, and Sections, whose officers are elected by each Section's members and whose Committees are appointed by the Chairperson of each Section. There are a number of these entities that deal with military lawyers and/or military law.

Three Standard Committees deal with military lawyers and/or military law. These are the Standing Committee on Lawyers in the Armed Forces (LAF), the Standing Committee on Legal Assistance for Military Personnel (LAMP), and the Standing Committee on Military Law. Each of these Committees has seven members appointed by the ABA president-elect. The LAMP Committee deals with all legal assistance aspects of military law and military lawyers. The Military Law Committee deals with the military justice and administrative discharge aspects of military law and military

lawyers. The LAF Committee deals primarily with the personnel concerns of military lawyers and secondarily with those items dealing with military law and military lawyers not covered by the other two Standing Committees.

The twenty-four ABA Sections include a number of committees that deal with military law and military lawyers. These include the following Committees that have specialized jurisdictions:

- (1) Administrative Law Section, Military Law Committee.
- (2) Criminal Justice Section, Military Law Committee.
- (3) General Practice Section, Military Lawyers Committee.
- (4) International Law Section, Military Law Committee.
- (5) Judicial Administrative Section, Special Court Judges.
- (6) Young Lawyers Division, Military Service Lawyers Committee.

In addition to these ABA entities, the Judge Advocates Association, originally established following World War II, is an affiliate organization of the ABA and as such elects a delegate to the ABA House of Delegates.

During the summer of 1978 the ABA Standing Committee on the Scope and Correlation of Work began a study of whether the three Standing Committees noted above should be continued within the ABA structure. That study resulted in an initial recommendation by the Scope Committee that the Standing Committees on Lawyers in the Armed Forces and on Military Law be merged into one Committee and that consideration be given to merging the LAMP Committee into either the Standing Committee on Legal Aid and Indigent Defendants or the Special Committee on Delivery of Legal Services. After a joint presentation by the three Committees (and considerable support from the Judge Advocates General) at the ABA Midyear Meeting in February, 1979, however, the Scope Committee abandoned its initial recommendations. At the same time,

however, the Scope Committee requested that the concept of a Military Law Section be explored and that the Standing Committees report back to the Scope Committee on the results of the exploration.

The attached questionnaire is an attempt to determine the wishes and views of military judge advocates with regard to the possible creation of a Military Law Section to replace the current Standing and Section Committees.

Some additional information may be helpful to you in reaching your own conclusion. The ABA annual dues structure is as follows:

Amount Admitted to the Bar:

\$ 10	less than 2 years
20	two years but less than 5 years
40	five years but less than 10 years
80	ten years but less than 15 years
100	fifteen years or more

The Standing Committees are funded out of those dues. The budgets of these three Committees currently total approximately \$22,000. The dues of the current 24 Sections of the ABA range from \$10 to \$24 per year. No dues are charged for the Young Lawyers Division; all lawyers 36 years of age and under are automatically members of the Division. The creation of a Military Law Section would probably require dues of at least \$15 per year with a membership of at least 2,000 members in order to match the current activities and funding of the ABA entities now dealing with military law and military lawyers. The maximum potential pool of individuals who might be interested in joining such a Section would include approximately 3,500 active duty military lawyers, about 3,900 reservists and 1,500 Government civilian attorneys, and an unknown number of retired personnel. The current membership of the ABA is approximately 250,000.

Proponents of a Military Law Section believe that such a Section would allow military law activities of the ABA to be more organized in one place with less duplication and more coordination of effort than is currently the case. In addition, military lawyers would have a direct voice and vote in the ABA House of

Delegates. None of the Standing Committees of the ABA has a vote in the House of Delegates.

Opponents of a Military Law Section believe that such a Section would considerably lessen or even eliminate the continuing involvement of military law and military lawyers with civilian members of the bar, in effect leaving military lawyers to "talk to themselves." In

so doing, the civilian bar would have fewer opportunities to understand the operation and unique aspects of military law and military lawyers. Additionally, military lawyers would have to pay an additional amount (probably \$15) beyond the annual ABA dues to belong to the Section in order to participate actively in the military law activities of the ABA.

b. Are you currently a member of any of the following committees?

(46/1) _____ Standing Committee on Lawyers in the Armed Forces
(47/1) _____ Standing Committee on Legal Assistance for Military Personnel
(48/1) _____ Standing Committee on Military Law
(49/1) _____ Military Lawyers Committee of the General Practice Section
(50/1) _____ Military Law Committee of the Administrative Law Section
(51/1) _____ Military Law Committee of the Criminal Law Section
(52/1) _____ Military Law Committee of the International Law Section
(53/1) _____ Military Service Lawyers Committee of the Young Lawyers Division
(54/1) _____ Other ABA Military-Related Committees (please specify):

(55/1) _____ Judge Advocates Association

(56/1) _____ I am not a member of any of the above committees.

3. If you are not a member of the ABA, would you join the ABA and a Military Law Section if such a section were created?

(57/1) Yes (57/2) No (57/3) N/A (I am an ABA Member)

4. If you are now a member of the ABA, would you join a Military Law Section if one were created?

(58/1) Yes (58/2) No (58/3) N/A (I am not an ABA member)

5. What structure of the ABA do you most prefer?

(59/1) a. Establishing a Military Law Section in lieu of the current committee structure.

(59/2) b. Retaining the current structure of the military-related committees of the ABA.

(59/3) c. Other (please specify):

6. a. If you are not currently a member of the ABA, in what ways might the ABA be made more attractive to you?

(60/1) _____

b. If you are currently a member of the ABA, in what ways might the ABA be made more attractive to you?

(61/1) _____

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

J. C. PENNINGTON
Major General, United States Army
The Adjutant General

